

FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

The Department of Housing and Community Development (HCD) has made non-substantive, grammatical, or editorial language revisions to the sections listed below. At the direction of the California Building Standards Commission (CBSC), banners have been inserted to identify HCD's application of the amendments, and scoping language has been removed to provide consistency with other codes and clarity to the code user. Sufficiently related changes and/or editorial corrections have been made to the following: Sections 101.3.2, 202, 302.1, 310.1, 406.2.2, 419.4, 419.4.1, 419.4.2, 419.4.3, 419.4.4, 502.1, 503.1, Table 602, Sections 708.4, 708.8, 720.2.5, 720.2.5.1, 1003.1, 1003.3.4, 1007.2, 1007.3, 1007.5, 1007.6.1, 1007.6.3.1, 1007.7, 1008.1.6, 1008.1.8.1, 1009.3, 1009.4, 1009.10, 1010.9, 1014.2, 1101A.1, 1102A.1, 1102A.3.1, 1103A.1.1, 1104A.2, 1107A.23-W, 1108A, 1127A.11.1, 1203.4, 1204.1, 1207.2, 1207.3, 1207.4, 1207.5, 1207.6, 1207.7, 1207.8, 1207.9, 1207.10, 1207.11, 1207.12, 1207.13, 1208.1, 1208.4, 1211.1, 1211.2, 1211.3, 1211.4, 1211.5, 1211.6, 1607.7, 1607.7.2, 1702, 1704.1, 1801.2, 1802.1.1, 2301.1, 2308.2.2, Table 2308.9.3(1), Sections 2308.11.1, 2308.12.1, Table 2308.12.4, Sections 3104.2, 3401.1, 3401.3, 3403.1 and 3408.1.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Department of Housing and Community Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a)(3))

The following is HCD's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

COMMENTS 1 – 14 WERE RECEIVED DURING THE 45-DAY COMMENT PERIOD AND SUBSEQUENT 15-DAY POST-HEARING MODIFICATIONS COMMENT PERIOD.

(The text with proposed changes clearly indicated was made available to the public from September 1, 2006 until October 16, 2006, and from October 26, 2006 until November 9, 2006 for the post-hearing modifications.)

- 1. COMMENTER:** Kelly Cobeen, S.E.
251 Lafayette Circle, Suite 230
Lafayette, CA 94549

COMMENT: EM-1, Section 1613.1, Exception 1: The proposed California Building Code will impose significant seismic design requirements for structures in Seismic Design Category C for other than one- and two-family detached dwellings. These include limitations on the seismic force systems that can be used and detailing requirements. For example, there are 16 seismic force-resisting systems listed in ASCE 7 Table 12.2-1 that are not permitted in SDC C for other occupancies, but would be permitted for dwellings.

It is not appropriate to exempt one- and two-family dwellings from seismic design if this results in their posing a higher hazard than other occupancies. The proposed language recognizes that in SDC C, light-frame shear wall dwellings should not pose a significant seismic risk since design for wind load will result in a roughly equivalent shear wall system. For heavier systems that may be used in one- and two-family detached dwellings, including concrete or masonry walls or heavy veneers, it is appropriate to require seismic design.

RESPONSE: This comment was also received prior to the code advisory committee meetings. At the code advisory committee meetings, HCD indicated that adequate time was not available during this rulemaking to properly obtain public input and establish the benefit and necessity of this proposal. In addition to adequate public participation including designers, builders, and other stakeholders, HCD believes that the proposal also may have a cost impact which needs to be balanced by the overall benefit to the public. HCD is not opposed to this proposal and may have the ability to consider it in a future rulemaking.

- 2. COMMENTER:** Richard Skaff
Executive Director
Designing Accessible Communities
303 Ashton Lane
Mill Valley, CA 94941

COMMENT: EM-2, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4, Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter 31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: Commenter resubmitted corrected text; see **EM-5**.

COMMENT: EM-5, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4, Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter

31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: The commenter made several comments which were not specifically directed to HCD; however, HCD has reviewed the comments for effect on corresponding amendments proposed by HCD. Only those comments affecting related sections in HCD's rulemaking package are listed below. All other sections commented on are beyond HCD's authority.

SECTION 209-H

COMMENT: The commenter opposes the definition of "Hotel (or Motel)" as proposed by HCD, and believes the language violates the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

RESPONSE:

HCD acknowledges the comments received pertaining to the definition of "Hotel (or Motel)". This proposed amendment is existing model code language from the 2001 California Building Code (CBC), which was omitted from the 2006 International Building Code (IBC). No new code change has been proposed to HCD's rulemaking package as a result of this comment.

SECTION 217-P

COMMENT: The commenter opposes the definition of "Primary Entry Level" as proposed by HCD, and believes the language reduces existing requirements for all ground floor entries and exits.

RESPONSE:

HCD acknowledges the comments received pertaining to the definition of "Primary Entry Level". This is an existing amendment brought forward from the 2001 California Building Code unchanged. No new code change has been proposed to HCD's rulemaking package as a result of this comment.

CHAPTER 10, MEANS OF EGRESS

SECTION 1003 - General Means of Egress

SECTION 1003.1 - Applicability

SECTION 1003.3.4 - Clear Width

SECTION 1003.5 - Elevation Change

COMMENT: The commenter opposes the above sections as proposed, and believes that the lives of persons with disabilities are not adequately protected due to improper research by the State of California on means of egress from buildings for people with disabilities.

RESPONSE:

HCD acknowledges the comments received pertaining to General Means of Egress. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulations that are being proposed and no new code changes have been proposed to HCD's rulemaking package as a result of this comment. HCD will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

SECTION 1007 - Accessible Means of Egress**SECTION 1007.1 - Accessible Means of Egress Required****SECTION 1007.2 - Continuity and Components****SECTION 1007.3 - Exit Stairways****SECTION 1007.5 - Platform Lifts**

COMMENT: The commenter opposes the above sections as proposed, and believes that the lives of persons with disabilities are not adequately protected due to improper research by the State of California on means of egress from buildings for people with disabilities.

RESPONSE:

HCD acknowledges the comments received pertaining to Accessible Means of Egress. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulations that are being proposed and no new code changes have been proposed to HCD's rulemaking package as a result of this comment. HCD will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

SECTION 1007.6 - Areas of Refuge**SECTION 1007.6.1 - Size****SECTION 1007.6.3.1 - Visible Communication Method****SECTION 1007.6.5 - Identification****SECTION 1007.7 - Signage**

COMMENT: The commenter opposes the above listed sections as proposed, and believes that the lives of persons with disabilities are not adequately protected due to improper research by the State of California on means of egress from buildings for people with disabilities.

RESPONSE:

HCD acknowledges the comments received pertaining to Areas of Refuge. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulations that are being proposed and no new code changes have been proposed to HCD's rulemaking package as a result of this comment. HCD will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

SECTION 1008 - Doors, Gates and Turnstiles**SECTION 1008.1.1 - Size of Doors**

COMMENT: The commenter opposes the above listed section as proposed, and believes that the word "unit" is too broad and pertains to a detention facility.

RESPONSE:

HCD acknowledges the comments received pertaining to Doors, Gates and Turnstiles, Size of Doors. The comment lacks specificity in identifying the adoption, amendment, or repeal of the regulation that is being proposed. The language objected to by the commenter is model code language and is defined in Section 1107A.4-D, "Dwelling Unit". HCD will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking

packages. No new code change has been proposed to HCD's rulemaking package as a result of this comment.

SECTION 1008.1.6 - Thresholds

COMMENT: The commenter opposes the above listed section as proposed, and believes that the section is too broadly defined.

RESPONSE:

HCD acknowledges the comments received pertaining to Doors, Gates and Turnstiles, Thresholds. The comment lacks specificity in identifying the adoption, amendment, or repeal of the regulation that is being proposed. HCD will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages. No new code change has been proposed to HCD's rulemaking package as a result of this comment.

SECTION 1010 - Ramps

SECTION 1010.6.5 - Doorways

COMMENT: The commenter opposes the above listed section as proposed, and believes that it reduces existing landing requirements at doors.

RESPONSE:

HCD acknowledges the comments received pertaining to Ramps, Doorways. The comment lacks specificity in identifying the adoption, amendment, or repeal of the regulation that is being proposed. HCD will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages. No new code change has been proposed to HCD's rulemaking package as a result of this comment.

SECTION 1013 - Guards

SECTION 1013.3 - Opening Limitations

COMMENT: The commenter opposes the above listed section as proposed, and believes that future guardrail accessibility, (i.e. site lines), will be negatively affected.

RESPONSE:

HCD acknowledges the comments received pertaining to Guards, Opening Limitations. The comment lacks specificity in identifying the adoption, amendment, or repeal of the regulation that is being proposed. HCD will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages. No new code change has been proposed to HCD's rulemaking package as a result of this comment.

- 3. COMMENTER:** Susan Chandler (Barnhill)
Easy Access
1193 17th Street
Los Osos, CA 93402

COMMENT: EM-3, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4, Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter 31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: The commenter agrees with the comments made by Richard Skaff, (COMMENTER 2), and believes that adopting the changes proposed by him would result in better compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Though the comments were not specifically directed to HCD, HCD has reviewed the comments for effect on corresponding amendments proposed by HCD. For a complete listing of referenced sections and comments made pertaining to HCD's rulemaking package, see COMMENTER 2.

4. **COMMENTER:** Marta Russell
Representing Herself
16022 Moorpark Street #301
Encino, CA 91436-1448

COMMENT: EM-4, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4, Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter 31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: The commenter agrees with the comments made by Richard Skaff, (COMMENTER 2), and believes that adopting the changes proposed by him would result in better compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Though the comments were not specifically directed to HCD, HCD has reviewed the comments for effect on corresponding amendments proposed by HCD. For a complete listing of referenced sections and comments made pertaining to HCD's rulemaking package, see COMMENTER 2.

5. **COMMENTER:** Kim Blackseth
310 17th St
Oakland, CA 94612

COMMENT: EM-6, Sections 1109A.8.8 Parking Signage, 1114A.6.1 Ramp Handrails, 1114A.6.2.4 and 1122A.5.2.4 Handrails, 1122A.2 Ramp Slope, 1122A.5.1 Ramp Handrails, 1124A Elevators, 1127A.2.2.3 Accessible Water Closet, 1127A.3.5 Plumbing Protection, 1127A.12 Fixed or Built in Seating, Tables and Counters, 1143A.10 Mounting Height and Location.

RESPONSE:

HCD acknowledges the comments received pertaining to the above listed sections in Chapter 11A. Although HCD believes that the comments may have merit, the comments are directed toward regulations that are not being proposed for amendment and are therefore outside the scope of this rulemaking. HCD will take the concerns expressed in this comment under consideration in the development of future rulemaking packages.

6. **COMMENTER:** Connie Arnold
Disability Policy Consultant
3328 Mayten Way
Elk Grove, CA. 95758

COMMENT: EM-7, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4, Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter 31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: The commenter agrees with the comments made by Richard Skaff, (COMMENTER 2), and believes that adopting the changes proposed by him would result in better compliance with the Americans with

Disabilities Act Accessibility Guidelines (ADAAG). Though the comments were not specifically directed to HCD, HCD has reviewed the comments for effect on corresponding amendments proposed by HCD. For a complete listing of referenced sections and comments made pertaining to HCD's rulemaking package, see COMMENTER 2.

COMMENT: EM-8, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4 Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter 31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: This is a duplicate of the comments made in **EM-7**, by the same person.

COMMENT: EM-14, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4, Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter 31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: The commenter agrees with the comments made by Richard Skaff, (COMMENTER 2), and believes that adopting the changes proposed by him would result in better compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Though the comments were not specifically directed to HCD, HCD has reviewed the comments for effect on corresponding amendments proposed by HCD. For a complete listing of referenced sections and comments made pertaining to HCD's rulemaking package, see COMMENTER 2.

7. COMMENTER: Noel Neudeck
Wheelchair Access Now Today
6224 Snowbond Street
San Diego, CA. 92120-3735

COMMENT: EM-9, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4, Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter 31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: The commenter agrees with the comments made by Richard Skaff, (COMMENTER 2), and believes that adopting the changes proposed by him would result in better compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Though the comments were not specifically directed to HCD, HCD has reviewed the comments for effect on corresponding amendments proposed by HCD. For a complete listing of referenced sections and comments made pertaining to HCD's rulemaking package, see COMMENTER 2.

8. COMMENTER: Kathleen Berman
Representing Herself
2389 Empress Street A
Sacramento, CA. 95815

COMMENT: EM-10, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4, Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter 31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: The commenter agrees with the comments made by Richard Skaff, (COMMENTER 2), and believes that adopting the changes proposed by him would result in better compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Though the comments were not specifically directed to HCD, HCD has reviewed the comments for effect on corresponding amendments proposed by HCD. For a complete listing of referenced sections and comments made pertaining to HCD's rulemaking package, see COMMENTER 2.

9. COMMENTER: Laura Williams
Californians for Disability Rights
909 12th Street, Suite 200
Sacramento, CA. 95833

COMMENT: EM-11-A, Miscellaneous sections in Chapter 1, Chapter 2, Chapter 4, Chapter 11B, Chapter 11C, Chapter 16, Chapter 24, Chapter 27, Chapter 29, Chapter 30, Chapter 31, Chapter 31B, Chapter 33, Chapter 34 and Chapter 35: The commenter agrees with the comments made by Richard Skaff, (COMMENTER 2), and believes that adopting the changes proposed by him would result in better compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Though the comments were not specifically directed to HCD, HCD has reviewed the comments for effect on corresponding amendments proposed by HCD. For a complete listing of referenced sections and comments made pertaining to HCD's rulemaking package, see COMMENTER 2.

10. COMMENTER: Jack Christy
Director of Public Policy
Aging Services of California
1315 I Street
Sacramento, CA. 95814

COMMENT: EM-11, Miscellaneous sections in Chapter 3, Chapter 5 and Chapter 11A: This is a duplicate of the comments made in **EM-11B**, by the same person.

COMMENT: EM-11B, Miscellaneous sections in Chapter 3, Chapter 5 and Chapter 11A: The commenter agrees with the comments made by Kenneth Rohde, AIA, for Erickson Retirement Communities, and believes that Residential Care Facilities should remain in the R-4.1 occupancy. For a complete listing of referenced sections and comments made, see COMMENTER 11.

11. COMMENTER: Kenneth Rohde, AIA
Erickson Retirement Communities
39 Woodhaven Drive
Laguna Niguel, CA 92677

COMMENT: EM-11-B.1, Section 310 & 504.2: The commenter believes that Residential Care Facilities should be re-classified as R-4 & R-4.1 occupancies, with R-4.1 being independent living units within a Continuing Care Retirement Community where the operator is not providing personal care services. The commenter further believes that independent living facilities should be able to be constructed using the same code standards as senior apartment buildings with added features, and assisted living facility requirements should remain as currently described in the code.

RESPONSE:

HCD acknowledges the comments received pertaining to the occupancy class of Residential Care Facilities. Though the comments were not specifically directed to HCD, HCD has considered the comments and has determined that the State Fire Marshal must establish new occupancy classifications as mandated in the California Health and Safety Code, Section 13133, and therefore, the changes requested are beyond HCD's authority.

COMMENT: EM-11-B.2, Section 1134A.6: The commenter believes that the shower sizes required in Section 1134A.6 are vague and ambiguous, and should be amended to include

the 30" X 60" and 36" X 60" showers allowed in Chapter 11B. Further, he believes that if only one shower is provided, and that shower is not in an accessible bathroom when other bathing facilities are provided in an accessible bathroom, the shower should not have to comply with the accessibility requirements.

RESPONSE:

HCD acknowledges the comments received pertaining to accessible showers. No new code changes have been proposed as a result of this comment. The comment refers to a section where no new adoption, amendment, or repeal of the regulation is being proposed. HCD will take the concerns expressed in this comment regarding accessible showers under consideration in the development of future rulemaking packages.

COMMENT: EM-11-B.3, Sections 308.2, 310.1: The commenter believes that Residential Care Facilities for the Elderly (RCFE) should be re-classified from Section 308.2 into an R-4 occupancy in Section 310.1 to consolidate RCFEs into the residential occupancy group, and to avoid confusion for the code user. The commenter further believes that the word "age" should be removed from Section 308.2 because the occupancy is based on the occupant's ability to exit the building due to physical or mental disabilities, not on age.

RESPONSE:

HCD acknowledges the comments received pertaining to the occupancy class of Residential Care Facilities for the Elderly (RCFE). Though the comments were not specifically directed to HCD, HCD has considered the comments and has determined that the State Fire Marshal must establish new occupancy classifications as mandated in the California Health and Safety Code, Section 13133, and therefore, the changes requested are beyond HCD's authority.

COMMENT: EM-11-B.4, Section 310.1: The commenter believes that the reference to the R-2.1 occupancy should be amended to read R-4. The R-2.1 occupancy referred to in Section 310.1 was in the UBC version of the CBC and is not in the IBC currently proposed for adoption.

RESPONSE:

HCD acknowledges the comments received pertaining to the R-2.1 occupancy class. Though the comments were not specifically directed to HCD, HCD has considered the comments and has determined that the State Fire Marshal must establish new occupancy classifications as mandated in the California Health and Safety Code, Section 13133, and therefore, the changes requested are beyond HCD's authority.

12. COMMENTER: Marc A. Revere
Representing California Fire Chiefs Association
[SMTP:MREVERE@NOVATOFIRE.ORG]

COMMENT: EM-12, Sections 310.1, 419.4 and 903.2.7: The commenter opines that HCD's proposed amendments to these sections will reduce fire protections in occupancies with the worst death, injury and property loss records.

RESPONSE:

As previously stated by HCD, these amendments mirror the requirements contained in the IRC. The IRC is not currently proposed for adoption by HCD. The proposed amendments do not add or reduce requirements contained in the IBC as published. The IBC without amendment specifies that one- and two- family dwellings, and townhouses shall comply with the IRC. Because HCD is not adopting the IRC, these amended sections provide needed extracts from the IRC to comply with the intent of the IBC as it is written and published.

13. COMMENTER: Sharon Toji
Representing Herself
[SMTP:ACCESSCOMM@EARTHLINK.NET]

COMMENT: EM-13, Miscellaneous Sections in Chapter 1, Chapter 9, Chapter 10 and Chapter 11B: The commenter made several comments which were not specifically directed to HCD; however, HCD has reviewed the comments for effect on corresponding sections under HCD's authority.

RESPONSE:

HCD acknowledges the comments received pertaining to Chapter 1, Section 109, Chapter 9, Chapter 10 and Chapter 11B. HCD has considered the sections proposed for amendment by the commenter, and has determined that the sections commented on are in the Division of the State Architect / Access Compliance (DSA/AC) proposed rulemaking package. DSA/AC must establish regulations pertaining to publicly funded buildings, privately funded public accommodations or public housing and private housing available for public use, as mandated in the Government Code, Sections 4450 and 12955.1; therefore, the change requested is beyond HCD's authority, and no new code change has been proposed to HCD's rulemaking package as a result of these comments.

14. COMMENTER: Doug Hensel
Representing the California Department of Housing
and Community Development

COMMENT: EM-15, Definition of "Efficiency Dwelling Unit", Table 602, Sections 1007.6.1, 1007.6.3.1, 1607.7 and 1607.7.2. The revisions to these sections are needed to correct omissions and conflicts created during the rulemaking process.

RESPONSE:

Efficiency Dwelling Unit. Efficiency unit is defined in model code text; however, statutory language also contains a provision to allow local modification. Units which meet the model code provisions as well as those units which meet the locally amended version are both "efficiency dwelling units". It is necessary to retain the text previously proposed to be removed by HCD to provide consistency, and clarify to the user that the model code definition and a definition modified by a local jurisdiction both fall within this definition. In addition, the banners have been modified and relocated to provide consistency with the direction other state agencies are proceeding.

Table 602 HCD is proposing the amendment of this section to incorporate critical elements of the International Residential Code (IRC). During this rulemaking, HCD was not able to propose adoption of the IRC as originally planned. The IRC and the International Building Code (IBC) contain different requirements in some areas as they relate to one- and two-

family dwellings. In an effort to ease transition from the IBC to a future adoption of the IRC, HCD is incorporating amendments to coordinate some of the more critical differences into this rulemaking.

The 2006 IRC requires exterior walls with less than a 5 foot fire separation distance to property lines to have a 1 hour fire resistance rating. The 2006 IBC does not differentiate between the different Group R occupancy classification groups and would require 1 hour construction for exterior walls of Group R-3 dwellings with a fire separation distance of 10 feet or less to a property line.

The scope provisions contained in Section 101.2 of the 2006 IBC specify that one- and two-family dwellings and townhouses comply with the provisions of the IRC. This amendment aligns the requirement contained in the IRC with those of the IBC by clarifying that Group R-3 one- and two-family dwellings and townhouses do not need 1 hour rated exterior wall assemblies provided a fire separation distance of more than 5 feet is provided.

Section 1007.6.1 The amendment is necessary to correct an error made during our original submittal. Previous versions of the CBC have contained requirements for areas of Evacuation Assistance in Chapters 11A and 11B. The 2006 IBC contains similar provisions in Chapter 10. SFM is proposing to eliminate the requirements in Chapters 11A and 11B. This amendment is necessary to correct an error made during the relocation of the requirements from Chapter 11A to Chapter 10. The original intent was to bring this exception forward and incorporate it into Chapter 10 in the same manner the other requirements had been relocated to Chapter 10, however, it was inadvertently left out. HCD is proposing to correct this error and is showing the exception as it should have been originally. The proposed amendment does not represent change in its effect from the 2001 Triennial California Building Standards Code.

The exception was previously located in Section 1118A.2.2.

Section 1007.6.3.1 The amendment is necessary to correlate the Division of the State Architect's (DSA) proposed amendment with HCD's. DSA and the SFM have worked on a coordinated adoption of this section; with this proposal, HCD will be revising proposed language to match that proposed by the other two agencies. In addition, audible warning devices are covered in Section 107.6.3.

Section 1607.7 The amendment is necessary to correlate the Division of the State Architect's (DSA) proposed amendment with HCD's. DSA and the SFM have worked on a coordinated adoption of this section; with this proposal, HCD will be revising proposed language to match that proposed by the other two agencies.

Section 1607.7.2 The amendment is necessary to correlate the Division of the State Architect's (DSA) proposed amendment with HCD's. DSA and the SFM have worked on a coordinated adoption of this section; with this proposal, HCD will be revising proposed language to match that proposed by the other two agencies.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

The Department of Housing and Community Development has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation

The California Building Code is Part 2 of Title 24 of the California Code of Regulations, known as the California Building Standards Code, which is based upon model codes developed by private not-for-profit code organizations that maintain a code development and update mechanism, publish and sell their codes, and provide support services.

Health and Safety Code Section 17922 directs the Department of Housing and Community Development (HCD) to adopt the most recent edition of the Uniform Building Code (UBC) published by the International Conference of Building Officials (ICBO) into Part 2 of Title 24 of the California Code of Regulations. Following the publication of the 1997 UBC, ICBO notified HCD and the California Building Standards Commission (CBSC) that ICBO will no longer publish the UBC. Pursuant to the court case International Association of Plumbing and Mechanical Officials v. California Building Standards Commission (1997) 55 Cal.App.4th 245 (Ct of Appeal 3rd Dist CA) the CBSC is not limited to the statutorily identified model codes in HSC section 17922.

In 1997, the International Code Counsel (ICC) began development of the International Building Code (IBC) based on a culmination of technical content of the latest codes promulgated by the Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI).

The memberships of these associations are composed of representatives of all facets of the building industry. They include building contractors, inspectors, building officials, engineers, architects, designers, manufactures, wholesalers and consumers.

This original edition of the IBC, followed by public hearings in 1997, 1998 and 1999 to consider proposed changes, with those changes reflected in the 2003 edition, and further changes approved during the ICC Code Development Process through 2005, has become the 2006 edition of the IBC.

CBSC Direction – Adopt the 2006 IBC

In 2005, the CBSC directed HCD to propose amendments, if necessary, which would be placed into the 2006 IBC for adoption as the 2007 CBC in Title 24, Part 2 of the CCR.

It is necessary for HCD to review the 2006 IBC prior to proposing amendments in order to incorporate the most recent changes to state and federal laws, provisions, and regulations as amendments to address unique California conditions.

HCD does not believe that the proposed amendments to the 2006 IBC have a significant adverse impact on California business and individuals, including the ability of California businesses to compete with business in other states; affect the creation of or elimination of jobs within California; affect the creation of or elimination of existing business within the state of California; or affect the expansion of businesses currently doing business within the State of California.

Due to the series of reviews by representatives of business and the community that these proposed model codes are subjected to, prior to and after HCD's review, and since there were no

alternatives proposed to HCD as a result of the Public Comment Period, HCD has no reason to believe that there is an alternative to these regulations that would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the adopted regulations.

**REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC
IMPACT ON SMALL BUSINESSES**

(Government Code Section 11346.9(a)(5))

No proposed alternatives were received by the Department of Housing and Community Development that would lessen the adverse economic impact on small businesses.